

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

JOSEPH CHANCE SLATER,	:	
	:	
Plaintiff,	:	
	:	CASE NO.: 7:20-CV-164 (WLS-TQL)
v.	:	
	:	
Sgt. JEFFREY SMITH,	:	
	:	
Defendant.	:	
	:	

ORDER

Before the Court is a Recommendation filed by U.S. Magistrate Judge Thomas Q. Langstaff on January 27, 2022. (Doc. 27.) Therein, Judge Langstaff recommends that Defendant's Motion for Summary Judgment be granted as Plaintiff failed to file a response to the motion and the record shows that Defendant is entitled to judgment as a matter of law. Specifically, Plaintiff has alleged that Defendant used excessive force when, in attempting to have Plaintiff pull over, Defendant's vehicle struck Plaintiff's vehicle causing damage to Plaintiff's vehicle and injury to Plaintiff. (Doc. 6, 10, 21-6.) Defendant moved for summary judgment, attaching an affidavit, two videos of the incident, a statement of undisputed material facts, and a transcript of Plaintiff's deposition. Judge Langstaff provided Plaintiff two opportunities to file a response to the motion for summary judgment (Docs. 23 & 25), but no response was filed. Upon reviewing the record, Judge Langstaff concluded that Defendant's motion for summary judgment should be granted because Defendant is entitled to qualified immunity, the force was necessary as Plaintiff twice led Defendant on a high-speed chase, the damage and injury to Plaintiff and his vehicle was minimal, there is no evidence that Defendant

acted maliciously and sadistically to cause harm, and Defendant is entitled to Eleventh Amendment immunity. (Doc. 27.) More than fourteen days passed without any objections being filed. Thus, the Court has reviewed the Recommendation and finds no plain error or manifest injustice therein. *See United States v. Aponte*, 461 F. App'x 828, 830 n.2 (11th Cir. 2012); 28 U.S.C. § 636(b). Viewing the facts in the light most favorable to Plaintiff, there is no genuine issue of material fact remaining for a trial in this case. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *Barreto v. Davie Marketplace, LLC*, 331 F. App'x 672, 673 (11th Cir. 2009).

Accordingly, upon full review and consideration of the record, the Court finds that the Recommendation (Doc. 27) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Defendant's Motion for Summary Judgment (Doc. 21) is **GRANTED**.

SO ORDERED, this 16th day of February 2022.

/s/ W. Louis Sands
W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT